

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) NO: 23-CR-1389 MIS
)
KARYN ESTRADA,)
)
Defendant.)

TRANSCRIPT OF PROCEEDINGS
HEARING ON MOTION TO WITHDRAW
BEFORE THE HONORABLE MARGARET I. STRICKLAND
UNITED STATES DISTRICT JUDGE
TUESDAY, JULY 2, 2024
10:07 A.M.
LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO

(Proceedings recorded by machine shorthand and
transcript produced by Computer-Aided Transcription.)

REPORTED BY: VANESSA I. ALYCE CHAVEZ, CRR, RPR, NMCCR
Federal Official Court Reporter
100 N. Church Street
Las Cruces, NM 88001
Phone: (575) 528-1430
Email: Vanessa_Alyce@nmd.uscourts.gov

UNITED STATES DISTRICT COURT
100 N. Church Street, Las Cruces, NM 88001
(575) 528-1430

1 Appearances of Counsel:

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3 FOR THE UNITED STATES:

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5 UNITED STATES ATTORNEY'S OFFICE
6 District of New Mexico
7 200 N. Church St.
8 Las Cruces, NM 88001
9 BY: MATILDA VILLALOBOS, ESQ.

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11 FOR THE DEFENDANT:

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13 FEDERAL PUBLIC DEFENDER'S OFFICE
14 506 S. Main St., Ste. 600
15 Las Cruces, NM 88001
16 BY: FRANCISCO VALCARCEL, ESQ.

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19 Also Present: Charles Juarros, Probation Officer

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34 UNITED STATES DISTRICT COURT
35 100 N. Church Street, Las Cruces, NM 88001
 (575) 528-1430

1 (In Open Court at 10:07 A.M.)

2 THE COURT: The next case is *United States of*
3 *America versus Karyn Estrada*.

4 May I have entries of appearance, please?

5 MS. VILLALOBOS: Matilda Villalobos on behalf of
6 the United States.

7 MR. VALCARCEL: Francisco Valcarcel on behalf of
8 Ms. Estrada.

9 THE COURT: We're here on a motion to withdraw as
10 counsel. The Government, it looks like, takes no position,
11 so I'll hear from you, Mr. Valcarcel.

12 MR. VALCARCEL: Your Honor, we would have little
13 or nothing to add to what was in the written motion. I
14 would simply comment that it has been -- even without the
15 issues of communication and the breakdown in communication,
16 it has been a challenging case. Communications has had
17 [sic] to be through Ms. Palu, our social worker. We met,
18 the trial team -- that would be me, Mr. Morrison,
19 Ms. Palu -- met, had a contact visit with Ms. Estrada at the
20 facility to try to get a sense if -- you know, how she might
21 be best served in this very difficult case. I believe that
22 the trial team is in agreement and Ms. Estrada is in
23 agreement that she would be better served by female counsel.
24 Finally, Your Honor, I would add that our motion
25 to withdraw was filed sometime around June 17th. And I

1 contact -- I took the liberty of contacting Ms. Celina
2 Fritze. She is our -- she's the admin. assistant for the
3 CJA panel here in Cruces. And I expressed to her that we
4 would be moving to withdraw and that we ask that the panel
5 coordinators consider what my colleagues and I believe are
6 some of most skilled and most well experienced female
7 attorneys in this district; some names were mentioned, Your
8 Honor. And shortly after I filed the motion, Ms. Fritze
9 from the panel followed up with me to see what was the
10 status of our motion. We were simply awaiting the Court's
11 determination of that motion.

12 And we can affirm that we are ready to ensure
13 that if the Court grants this motion to withdraw, the
14 incoming attorney will have access to not only all the
15 information in the most organized and expedient fashion, the
16 social work history, which is extensive, and work product as
17 well, Your Honor. So we believe that the substitution of
18 counsel would not only ensure a fair process for
19 Ms. Estrada, but it would not unduly burden the Court's busy
20 docket, Your Honor.

21 THE COURT: All right. So there's no conflict of
22 interest, right?

23 MR. VALCARCEL: Your Honor, the research and
24 writing attorney that has been working in this case, I
25 believe, might be on Your Honor's conflict list.

1 THE COURT: Okay. Did you put that in the
2 motion?

3 MR. VALCARCEL: No, Your Honor. She's the one
4 who drafted the motion.

5 THE COURT: All right. Well, put stuff that you
6 think is -- put reasons for the withdraw in the motion. So
7 I don't have any information on that.

8 MR. VALCARCEL: Understood, Your Honor.

9 THE COURT: And the conflict is for people who
10 have entered into my case. So I don't see anything
11 proffered as a conflict of interest.

12 There's no irreconcilable conflict in the case.
13 It's just -- I mean, is there? Is there an...

14 MR. VALCARCEL: I'm sorry, Your Honor?

15 THE COURT: I'm looking at the list of things you
16 said would get --

17 MR. VALCARCEL: Yes, Your Honor.

18 THE COURT: -- substitution of counsel. So is
19 there some kind of conflict that we -- that can't be
20 reconciled that leads to an unjust verdict?

21 MR. VALCARCEL: Well, Your Honor, if I can't have
22 untrammelled communication with Ms. Estrada --

23 THE COURT: Un-what?

24 MR. VALCARCEL: "Untrammelled," like, "direct."

25 THE COURT: Uh-huh.

1 MR. VALCARCEL: Because there is -- I would like
2 to think that we're all gender blind, but I have learned the
3 hard way that that is no the case.

4 THE COURT: Your client won't talk to you?

5 MR. VALCARCEL: When we hit those issues
6 regarding prior abuse she has sustained, prior issues in her
7 life, it -- communication has been impracticable. Again, I
8 have to work through the social worker and, even then, it
9 presents a challenge, Your Honor.

10 THE COURT: Why?

11 MR. VALCARCEL: As I mentioned, Your Honor, I
12 believe that when we face -- when we address difficult
13 questions regarding -- going into issues that Ms. Estrada
14 has, abuse she has sustained, sexual conduct that is at
15 issue, communication is difficult. And we --

16 THE COURT: I mean, communication is difficult.
17 I mean, the standard is a complete breakdown, but it sounds
18 like you all are meeting with her. Your whole team is
19 meeting with her. You have a social worker that's meeting
20 with her and talking to her.

21 MR. VALCARCEL: We meet with her, but when it
22 comes time to address the tough issues that are in the PSR,
23 I can't do it outside of the social worker. And, even then,
24 the social worker has been -- she's been -- it hasn't been
25 easy for the social worker, either.

1 THE COURT: I believe you. These topics aren't
2 easy, but it doesn't sound to me like there's a complete
3 breakdown of communication or some kind of conflict that
4 can't be reconciled --

5 MR. VALCARCEL: And, again, Your Honor --

6 THE COURT: -- that would rise to a conflict of
7 interest.

8 MR. VALCARCEL: Before it came to this pass, in
9 good faith, we went to meet with her and we outlined the
10 options, but the conclusion was that we believe Ms. Estrada
11 would be better served by a female attorney, Your Honor.

12 THE COURT: I mean, I believe you. That may be
13 true, but she's not entitled to counsel of her choice.

14 MR. VALCARCEL: I just want to ensure --

15 THE COURT: The gender of her choice as counsel.
16 So I don't think you've met the burden to withdraw as
17 counsel. I'm going to deny it.

18 If you want time to -- if you want -- I know
19 there was something in here about -- and you didn't ask for
20 this, but there was something in here about the sentencing
21 memo, and I'll just sua sponte extend the deadline to the
22 deadline that we set to objections to the Presentence --
23 well, does the Government have a position on that before I
24 do that sua sponte?

25 MS. VILLALOBOS: The Government is not opposed to

1 that, Your Honor.

2 THE COURT: All right.

3 MR. VALCARCEL: And, Your Honor, I had approached
4 Ms. Villalobos via email, in the event -- again, taking into
5 account all of the possibilities -- in the event that we
6 would remain as counsel, if the Court would consider the
7 deadline for sentencing memoranda and objections 60 days in
8 lieu of 30? And I --

9 THE COURT: Why do you need more time?

10 MR. VALCARCEL: Huh?

11 THE COURT: Why do you need more time?

12 MR. VALCARCEL: As I mentioned before, Your
13 Honor, communication has been painstaking and it's been more
14 difficult than the average case. So, out of an abundance of
15 caution -- and I know Ms. Villalobos expressed no opposition
16 to that request -- if we could have 60 in lieu of 30.

17 THE COURT: I'll give you 45 days.

18 Ms. Estrada, you need to talk to your attorneys
19 to help them prepare for sentencing; do you understand?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: All right. Anything else,
22 Mr. Valcarcel?

23 MR. VALCARCEL: No, Your Honor.

24 THE COURT: All right. Thank you.

25 (The proceedings concluded at 10:14 A.M.)

1 UNITED STATES OF AMERICA

2 DISTRICT OF NEW MEXICO

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4 CERTIFICATE OF OFFICIAL REPORTER

5 I, Vanessa I. Alyce Chavez, CRR, RPR, NMCCR, and
6 Federal Official Court Reporter in and for the United States
7 District Court for the District of New Mexico, do hereby
8 certify that pursuant to Section 753, Title 28, United
9 States Code, that I did report in stenographic shorthand to
10 the best of my skill and ability the foregoing pages 1-8 of
11 the proceedings set forth herein, that the foregoing is a
12 true and correct transcript of the stenographically recorded
13 proceedings held in the above-entitled matter and that the
14 transcript page format is in conformance with the
15 regulations of the Judicial Conference of the United States.

16
17 Dated this 7th day of February 2025.

18
19 S/Electronically Filed
20 Vanessa I. Alyce Chavez, CRR, RPR, NMCCR
21 Federal Official Court Reporter
22 100 N. Church Street
23 Las Cruces, NM 88001
24 Phone: (575) 528-1430
25 Email: Vanessa_Alyce@nmd.uscourts.gov

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